

HOUSE BILL 654

R5

0lr2085
CF 0lr2595

By: **Delegates Impallaria, Jennings, McComas, and McDonough**

Introduced and read first time: February 3, 2010

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2010

CHAPTER _____

1 AN ACT concerning

2 **Harford County – Towing and Removing Vehicles**

3 FOR the purpose of establishing that a vehicle may not be towed or removed from
4 private property in Harford County unless the owner of the property has posted
5 certain signs and makes a request for the towing or removal of the specific
6 vehicle; providing that an owner of private property may not contract with a
7 person for the towing or removal of a vehicle from the property under certain
8 circumstances; requiring the owner of property in Harford County to maintain
9 certain records and keep certain ~~receipts~~ documentation relating to towed
10 vehicles; prohibiting a person who undertakes the towing or removal of a vehicle
11 in Harford County from charging more than certain amounts for fees or charges;
12 requiring a person who tows or removes a vehicle in Harford County to notify
13 the Harford County Sheriff's Office about the towing or removal and provide
14 certain information, register with the Harford County Sheriff's Office, and
15 obtain certain liability insurance ~~and a certain surety bond~~; requiring the
16 Harford County Sheriff's Office to specify certain requirements concerning the
17 posting of certain signs; authorizing the Harford County Sheriff's Office to
18 charge a certain fee; requiring a person in possession of a vehicle towed or
19 removed from property in Harford County to take certain actions; establishing
20 that a person who undertakes the towing or removal of a vehicle from private
21 property in Harford County in violation of this Act must take certain actions
22 and is subject to certain liabilities and a certain civil penalty; establishing that
23 a person who requests that a vehicle be towed or removed from private property
24 in Harford County in violation of this Act is subject to a certain civil penalty;
25 providing for the application of this Act; providing that this Act does not apply

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 to the towing or removal of a vehicle from real property where a private
 2 residence is located; defining a certain term; and generally relating to the
 3 towing and removing of vehicles from private property in Harford County.

4 BY adding to

5 Article – Transportation

6 Section 21–10B–01 through 21–10B–06 to be under the new subtitle “Subtitle
 7 10B. Towing or Removal of Vehicles in Harford County”

8 Annotated Code of Maryland

9 (2009 Replacement Volume and 2009 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article – Transportation**

13 **SUBTITLE 10B. TOWING OR REMOVAL OF VEHICLES IN HARFORD COUNTY.**

14 **21–10B–01.**

15 (A) THIS SUBTITLE APPLIES ONLY TO THE TOWING OR REMOVAL OF
 16 VEHICLES FROM PRIVATE PROPERTY IN HARFORD COUNTY.

17 (B) NOTHING IN THIS SUBTITLE PREVENTS A LOCAL AUTHORITY FROM
 18 EXERCISING ANY POWER TO ADOPT ORDINANCES OR REGULATIONS RELATING
 19 ~~TO THE REGISTRATION OR LICENSING OF PERSONS ENGAGED IN~~ THE PARKING,
 20 TOWING OR REMOVAL, OR IMPOUNDING OF VEHICLES.

21 (C) THIS SUBTITLE DOES NOT APPLY TO:

22 (1) AN ABANDONED VEHICLE AS DEFINED IN § 25–201 OF THIS
 23 ARTICLE; ~~OR~~

24 (2) A VEHICLE BEING TOWED AT THE REQUEST OF THE OWNER OF
 25 THE VEHICLE OR THE OWNER’S AGENT; OR

26 (3) THE TOWING OR REMOVAL OF A VEHICLE FROM REAL
 27 PROPERTY WHERE A PRIVATE RESIDENCE IS LOCATED.

28 **21–10B–02.**

29 (A) IN THIS SECTION, “OWNER” INCLUDES:

30 (1) AN AUTHORIZED AGENT OF AN OWNER OF PRIVATE
 31 PROPERTY; OR

1 **(2) A MEMBER OF A BOARD OR ASSOCIATION THAT EXERCISES**
2 **CONTROL OVER PRIVATE PROPERTY WHO HAS BEEN AUTHORIZED TO ORDER**
3 **THE TOWING OF VEHICLES FROM THE PROPERTY.**

4 **(B) A VEHICLE MAY NOT BE TOWED OR REMOVED FROM PRIVATE**
5 **PROPERTY IN THE COUNTY UNLESS:**

6 **(1) THE OWNER OF THE PROPERTY HAS POSTED SIGNS ON THE**
7 **PROPERTY IN ACCORDANCE WITH REQUIREMENTS SPECIFIED BY THE HARFORD**
8 **COUNTY SHERIFF'S OFFICE AND AS OTHERWISE SPECIFIED BY STATE OR**
9 **LOCAL LAW; AND**

10 **(2) THE OWNER OF THE PROPERTY MAKES A REQUEST FOR THE**
11 **TOWING OR REMOVAL OF THE SPECIFIC VEHICLE.**

12 **(C) AN OWNER OF PROPERTY MAY NOT CONTRACT WITH A PERSON FOR**
13 **THE TOWING OR REMOVAL OF VEHICLES FROM THE PROPERTY IF THE PERSON**
14 **OR THE PERSON'S EMPLOYEES OR AFFILIATES ARE:**

15 **(1) MEMBERS OF THE BOARD OR ASSOCIATION EXERCISING**
16 **CONTROL OVER THE PROPERTY;**

17 **(2) ~~REPRESENTATIVES OF~~ AFFILIATED IN ANY WAY WITH THE**
18 **OWNER OF THE PROPERTY; OR**

19 **(3) RELATED TO THE OWNER OF THE PROPERTY OR A MEMBER**
20 **OF THE BOARD OR ASSOCIATION EXERCISING CONTROL OVER THE PROPERTY.**

21 **(D) AN OWNER OF PROPERTY SHALL:**

22 **(1) MAINTAIN A LOG OF ALL REQUESTS MADE FOR VEHICLES TO**
23 **BE TOWED OR REMOVED FROM THE PROPERTY; AND**

24 **(2) KEEP, WITH THE LOG MAINTAINED UNDER THIS SUBSECTION,**
25 **~~RECEIPTS FOR~~ COPIES OF TOWING ORDERS OR ANY DOCUMENTATION**
26 **AUTHORIZING ANY TOWING SERVICE PROVIDED TO THE OWNER OF THE**
27 **PROPERTY.**

28 **21-10B-03.**

29 **A IN ADDITION TO ANY OTHER APPLICABLE PROVISIONS OF STATE LAW, A**
30 **PERSON WHO UNDERTAKES THE TOWING OR REMOVAL OF A VEHICLE FROM**
31 **PRIVATE PROPERTY OR THE STORAGE OF A TOWED VEHICLE:**

1 (1) MAY NOT CHARGE THE OWNER OF THE VEHICLE ~~OR~~, THE
2 OWNER'S AGENT, A SECURED PARTY, OR THE INSURER OF RECORD:

3 (I) MORE THAN \$60 FOR THE TOWING FEE, REGARDLESS
4 OF THE NUMBER OF MILES THE VEHICLE IS TOWED;

5 (II) MORE THAN \$20 PER DAY FOR STORAGE;

6 (III) A STORAGE FEE FOR THE FIRST 24 HOURS THAT THE
7 VEHICLE IS STORED;

8 (IV) ANY FEES OR CHARGES FOR STORAGE ON DAYS THAT
9 THE OWNER OF THE VEHICLE ~~OR~~, THE OWNER'S AGENT, A SECURED PARTY, OR
10 THE INSURER OF RECORD CANNOT RECOVER THE VEHICLE BECAUSE THE
11 LOCATION WHERE THE VEHICLE IS STORED IS CLOSED FOR BUSINESS; OR

12 (V) ANY ADDITIONAL FEES OR CHARGES OTHER THAN
13 THOSE AUTHORIZED UNDER THIS SUBTITLE;

14 (2) SHALL NOTIFY THE HARFORD COUNTY SHERIFF'S OFFICE
15 BEFORE TOWING OR REMOVING THE VEHICLE FROM THE PROPERTY, AND SHALL
16 PROVIDE THE FOLLOWING INFORMATION:

17 (I) A DESCRIPTION OF THE VEHICLE, INCLUDING THE
18 VEHICLE'S REGISTRATION PLATE NUMBER AND VEHICLE IDENTIFICATION
19 NUMBER;

20 (II) THE DATE AND TIME THE VEHICLE WILL BE TOWED OR
21 REMOVED;

22 (III) THE REASON THE VEHICLE WILL BE TOWED OR
23 REMOVED; AND

24 (IV) THE LOCATIONS FROM WHICH AND TO WHICH THE
25 VEHICLE WILL BE TOWED OR REMOVED;

26 (3) BEFORE TOWING OR REMOVING THE VEHICLE, SHALL HAVE
27 THE PROPERTY OWNER'S AUTHORIZATION, WHICH SHALL INCLUDE:

28 (I) THE NAME OF THE PERSON AUTHORIZING THE TOW OR
29 REMOVAL; AND

30 (II) A STATEMENT THAT THE VEHICLE IS BEING TOWED OR
31 REMOVED AT THE REQUEST OF THE PROPERTY OWNER, ~~THE OWNER'S~~ AN

1 AUTHORIZED AGENT OF THE OWNER, OR ~~A~~ AN AUTHORIZED MEMBER OF THE
2 BOARD OR ASSOCIATION EXERCISING CONTROL OVER THE PROPERTY;

3 (4) SHALL REGISTER WITH THE HARFORD COUNTY SHERIFF'S
4 OFFICE AND KEEP CONTACT INFORMATION CURRENT;

5 (5) SHALL OBTAIN COMMERCIAL LIABILITY INSURANCE ~~IN THE~~
6 ~~AMOUNT OF AT LEAST \$20,000 PER OCCURRENCE TO COVER THE COST OF ANY~~
7 ~~DAMAGE TO THE VEHICLE RESULTING FROM THE PERSON'S NEGLIGENCE; AND~~

8 (6) ~~SHALL OBTAIN A SURETY BOND IN THE AMOUNT OF \$20,000~~
9 ~~TO GUARANTEE PAYMENT OF ANY LIABILITY INCURRED UNDER THIS SUBTITLE~~
10 AS REQUIRED BY STATE AND FEDERAL LAW.

11 21-10B-04.

12 (A) THE HARFORD COUNTY SHERIFF'S OFFICE SHALL SPECIFY
13 REQUIREMENTS FOR THE POSTING OF SIGNS ON PROPERTY SPECIFYING
14 WHETHER PARKING IS ALLOWED ON THE PROPERTY.

15 (B) THE HARFORD COUNTY SHERIFF'S OFFICE MAY CHARGE AN
16 ANNUAL FEE TO PERSONS REGISTERED UNDER § 21-10B-03(4) OF THIS
17 SUBTITLE TO COVER THE COST OF MAINTAINING THE RECORDS OF
18 REGISTRATION.

19 21-10B-05.

20 IF IN ADDITION TO ANY OTHER APPLICABLE PROVISIONS OF STATE LAW,
21 IF A VEHICLE IS TOWED OR OTHERWISE REMOVED FROM PRIVATE PROPERTY,
22 THE PERSON IN POSSESSION OF THE VEHICLE SHALL:

23 (1) IMMEDIATELY DELIVER THE VEHICLE DIRECTLY TO A
24 STORAGE FACILITY ~~CUSTOMARILY USED BY THE PERSON UNDERTAKING THE~~
25 TOWING OR REMOVAL OF THE VEHICLE IDENTIFIED ON SIGNS POSTED ON THE
26 PROPERTY;

27 (2) WITHIN 2 BUSINESS DAYS AFTER TOWING OR REMOVING THE
28 VEHICLE, SEND A LETTER BY CERTIFIED MAIL TO THE OWNER ~~AND~~
29 LIENHOLDER, ANY SECURED PARTY, AND THE INSURER OF RECORD OF THE
30 VEHICLE NOTIFYING THE OWNER ~~AND LIENHOLDER,~~ SECURED PARTY, AND
31 INSURER OF RECORD OF:

32 (I) THE LOCATION OF THE VEHICLE;

1 (II) THE HOURS DURING WHICH THE VEHICLE MAY BE
2 RECLAIMED; AND

3 (III) THE CHARGES THAT MAY BE INCURRED FOR THE
4 TOWING AND STORAGE OF THE VEHICLE; AND

5 (3) KEEP A RECORD OF THE NOTIFICATION REQUIRED UNDER
6 ITEM (2) OF THIS SECTION FOR A MINIMUM OF 1 YEAR AND MAKE THAT RECORD
7 AVAILABLE FOR INSPECTION BY THE HARFORD COUNTY SHERIFF'S OFFICE OR
8 OTHER LAW ENFORCEMENT AGENCIES ON REQUEST.

9 21-10B-06.

10 (A) ANY PERSON WHO UNDERTAKES THE TOWING OR REMOVAL OF A
11 VEHICLE FROM PRIVATE PROPERTY IN VIOLATION OF ANY PROVISION OF THIS
12 SUBTITLE:

13 (1) SHALL RETURN THE VEHICLE TO THE OWNER OF THE
14 VEHICLE AT THE PERSON'S EXPENSE;

15 (2) IS LIABLE FOR ACTUAL DAMAGES SUSTAINED BY ANY PERSON
16 AS A DIRECT RESULT OF THE VIOLATION;

17 (3) IS LIABLE TO THE VEHICLE OWNER FOR TRIPLE THE AMOUNT
18 PAID BY THE OWNER OR THE OWNER'S AGENT TO RETAKE POSSESSION OF THE
19 VEHICLE; AND

20 (4) IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000.

21 (B) ~~A~~ IN ADDITION TO ANY OTHER PENALTY PROVIDED UNDER STATE
22 LAW, A PERSON WHO REQUESTS THAT A VEHICLE BE TOWED OR REMOVED FROM
23 PRIVATE PROPERTY IN VIOLATION OF THIS SUBTITLE IS SUBJECT TO A CIVIL
24 PENALTY NOT EXCEEDING \$1,000.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2010.